

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN MALONE, et al.,

Plaintiffs,

v.

MARK STRONG, et al.,

Defendants.

CASE NO. 3:16-CV-5284-RJB-DWC

ORDER GRANTING MOTION TO
ADD PARTIES

On December 12, 2022, Plaintiffs filed a Motion and Declaration to Extend Deadline and Add Parties. Dkt. 164. Plaintiffs seek to add Jesse Kneer, James Labaum, and Kelvin M. Palfrey, Jr. as plaintiffs in this case. *Id.* Defendants do not oppose adding Jesse Knerr and James Labaum as plaintiffs. Dkt. 169. Therefore, the Court grants the request to add Jesse Knerr and James Labaum as plaintiffs in this action.

Defendants, however, maintain Plaintiffs have not shown good cause for an extension of the deadline to add Kelvin M. Palfrey, Jr. *Id.* Pursuant to Federal Rule of Civil Procedure 16(b)(4), a scheduling order may be modified for good cause and with the judge's consent. Plaintiffs state Mr. Palfrey returned a signed fee agreement to Plaintiffs' counsel in January of

1 2019. Dkt. 164. “Unfortunately, his paperwork was clipped with someone else’s paperwork and
2 filed with that individual’s records.” *Id.*

3 The deadline to add or join parties expired on December 31, 2018. Dkt. 118. Based on the
4 record, Plaintiffs’ counsel inadvertently misplaced Mr. Palfrey’s paperwork in January of 2019,
5 which was after the deadline to add or join parties. However, the parties have stipulated to
6 adding parties beyond the December 2018 deadline. *See* Dkt. 138. Further, the Court recently
7 extended the dispositive motion deadline and trial date. Therefore, the Court finds good cause to
8 extend the deadline to allow Plaintiffs to add Kelvin M. Palfrey, Jr.

9 For the above stated reasons, the Motion (Dkt. 164) is granted. Jesse Kneer, James
10 Labaum, and Kelvin M. Palfrey, Jr. are added as Plaintiffs in this action.

11 Dated this 9th day of January, 2023.

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14 David W. Christel
United States Magistrate Judge
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